

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

GERALD L. SHULTS, JR.

: No. 1:20-cv-224

Plaintiff,

Judge Timothy Black

v.

:

SANDRA NORLING

**: Magistrate Judge Stephanie K.
Bowman**

Defendant.

:

[formerly in the Common Pleas Court of
Clermont County, Ohio No. 2020 CVC
00208]

**PLAINTIFF'S MOTION TO DISMISS DEFENDANT'S MOTION FOR JUDGMENT ON
THE PLEADINGS**

Now comes Gerald Shults, by and through his undersigned counsel, and moves this Honorable Court to dismiss Defendant's Motion for Judgment on the Pleadings filed on May 8, 2020 as said motion is now moot. A memorandum in support is attached to this motion.

Respectfully submitted:

/s/ Andrew Green

EPPLEY LEGAL GROUP, LLC

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Shults v. Norling

Plaintiff's Motion to Dismiss Defendant's Motion for
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Case Number: No. 1:20-cv-224

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MEMORANDUM IN SUPPORT

Defendant filed a Motion for Judgment on the Pleading on May 8, 2020. Pursuant to an order of this Court the filing deadline for a response to this motion was extended to June 16, 2020. On June 12, 2020, the Court signed an Agreed Order to Amend Pleadings giving Plaintiff an additional fourteen (14) days to amend his complaint and giving the Defendant twenty-eight (28) days to respond.

The Plaintiff states that the Defendant's Motion for Judgment on the Pleading filed on May 8, 2020 became moot by the signing of the Agreed Order. Pursuant to Federal Rule of Civil Procedure 12(c), "[a]fter the pleadings are closed... a party may move for judgment on the pleadings." In the case at bar, the Agreed Order filed with this Honorable Court on June 12, 2020 to Amend Pleadings re-opened the pleading practice. Therefore, the Defendant's Motion for Judgment on the Pleadings is moot and should be dismissed.

Respectfully submitted:

/s/ Andrew Green

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CERTIFICATE OF SERVICE

The undersigned certifies that a true, accurate, and correct copy of the foregoing Plaintiff's Motion to Dismiss Defendant's Motion for Judgment on the Pleadings was served on June 15, 2020, via electronic mail and/or regular U.S. Mail upon the following:

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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
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GERALD L. SHULTS, JR.

: **No. 1:20-cv-224**

Plaintiff,

Judge Timothy Black

-vs-

: Magistrate Stephanie K. Bowman

SANDRA NORLING

Defendant.

:

[formerly in the Common Pleas Court of Clermont County, Ohio No. 2020 CVC 00208]

**ORDER GRANTING
PLAINTIFF'S MOTION TO DISMISS DEFENDANT'S MOTION FOR JUDGMENT ON
THE PLEADINGS**

This matter having come the Court on Plaintiff's Motion to Dismiss Defendant's Motion for Judgment on the Pleadings and the Court being otherwise sufficiently advised, IT IS HEREBY ORDERED AND ADJUDGED that Plaintiff's Motion to Dismiss Defendant's Motion for Judgment on the Pleadings is HEREBY GRANTED.

Signed this ____ day of June 2020

Honorable Judge Timothy Black
United States District Court
Southern District of Ohio

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Plaintiff's Motion to Dismiss Defendant's Motion for
Judgment on the Pleadings

Copies:

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